

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

v.

DAVID M. BOWDEN

Defendants

Civil Action No: 16-04465

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR SUBSTITUTION OF PARTIES PURSUANT TO FED.R.CIV.P. 25(c)

Rule 25(c) of the Federal Rules of Civil Procedure provides that if an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party.

This action in mortgage foreclosure was commenced on August 15, 2016 against the David M. Bowden. Subsequent to the commencement of this action, Plaintiff discovered that on April 18, 2015, Defendant passed away. The heirs under the intestate law of Pennsylvania, consists solely of the decedent's spouse, Donna Garden Bowden, and his children, Ryan Bowden, Matthew Bowden, Logan Bowden, Travis Bowden and Starla Bowden. *See* 20 Pa.C.S.A. § 2103. The Pennsylvania Probates, Estates and Fiduciaries Code, 20 Pa.C.S.A. § 301(b), legal title to all real estate of a decedent shall pass at his death to his heirs or devisees, subject, however, to all the powers granted to the personal representative by this code and lawfully by the will and to all orders of the court.

Therefore, pursuant to Rules 25(a)(1) and (c), Plaintiff requests this Honorable Court substitute Donna Garden Bowden, Ryan Bowden, Matthew Bowden, Logan Bowden, Travis Bowden and Starla Bowden, as defendants in this action sole as the heirs at law of David M. Bowden, deceased.

Respectfully submitted,

By: 

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